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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/832,420	04/10/2001	Guy Debras	F-736 DIV	1189

7590 08/06/2004

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EXAMINER

DOROSHENK, ALEXA A

ART UNIT	PAPER NUMBER
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1764

DATE MAILED: 08/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/832,420

Applicant(s)

DEBRAS, GUY

Examiner

Alexa A. Doroshenk

Art Unit

1764

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 12 July 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

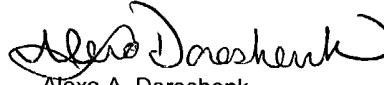
3. ☒ Applicant's reply has overcome the following rejection(s): See Continuation Sheet.
4. ☐ Newly proposed or amended claim(s) 16, 23 and 24 would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: 16, 23 and 24.Claim(s) objected to: 21 and 22.Claim(s) rejected: 11, 13, 14 and 17-20.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____


Alexa A. Doroshenk
Examiner
Art Unit: 1764

Continuation of 3. Applicant's reply has overcome the following rejection(s): 35 USC 112, first paragraph rejection and the claim objections of claims 17-22 in the office action of 04/06/04.

Continuation of 5. does NOT place the application in condition for allowance because:

Claims 11, 13, 14, 17, 19 and 20 continue to be rejected under 35 U.S.C. 102(b) as being anticipated by Platz (5,034,195).

Claims 21 and 22 are now objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. These claims are allowable for the same reasons for allowability as set forth in the Office Action of April 6, 2004.

Response to Remarks

The 35 USC 112, first paragraph rejection of claim 17-22 is withdrawn due to applicant's arguments.

The objection of claim 17-22 as presented in the Office Action of April 6, 2004 is withdrawn due to applicant's amendments to the claims.

Applicant argues that that newly added language ("to provide for removal of the waste gases from the preliminary reactor") in addition to the term "release" distinguishes the claims over the recycle stream of the prior art.

The examiner does not find the newly added language to impart any further structural limitations over what has already been recited in the claims so as to distinguish over the Platz reference. The examiner maintains that while the gases are in lines 24, 28 and 20 or in elements 26, 30 and 32, they are not in the reactor (10) and therefore have been "released" from it.

Applicant argues that the gases recycled in Platz are not "waste gases" as recited in applicant's claims or in light of the specification.

The examiner respectfully disagrees. The term "waste gases" has not been specifically defined by applicant in the claims or specification so as to exclude the gas stream of Platz (unreacted gas). Additionally, the examiner notes that the material or article worked upon does not limit an apparatus claim. MPEP 2115.

Applicant argues that the reactor (40) of Platz is not a loop-type reactor as called for in the claims and contends that the disclosure describes loop-type reactors as "polymerization reactors in which the polymerization reaction occurs as the polymerization medium is continuously circulated through the reactor".

Firstly, the examiner does not find the argued definition of the loop-type reactor in applicant's disclosure. Secondly, the examiner respectfully disagrees with applicant's contention that the reactor of Platz is not a loop-type reactor. The examiner finds (and applicant appears to agree on page 6 of their remarks) that the polymerization medium is continuously circulated through the loop formed by elements 40, 50, 54, 56, 58, 60 and 62 in that unreacted polymerization gases are fed through the recycle loop.